

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DONALD YORK EVANS, <i>et al.</i> ,)	
)	
Plaintiffs,)	3:08-cv-00353-RCJ-VPC
)	
vs.)	ORDER
)	
HOWARD SKOLNIK, <i>et al.</i> ,)	
)	
Defendants.)	
)	

Before the Court for consideration is the Report and Recommendation (#117) of Magistrate Judge Valerie P. Cooke, entered October 2, 2009, as well as Plaintiff Witherow's Objections (#118) thereto, and Defendants' Responses (#'s 119, 120, 121) on file herein.

The Court has conducted a review of the record in this case and determines that Plaintiff John Witherow's Objections (#118) the Report and Recommendations (#117) on file herein are **OVERRULED** as Mr. Witherow raises no new facts or legal theories to contest the Magistrate Judge's decision. Therefore, the Court finds that the Report and Recommendations (#117) of the United States Magistrate Judge entered October 2, 2009 should be affirmed.

IT IS THEREFORE ORDERED that Magistrate Judge Cooke's Report and Recommendation (#117) be affirmed and adopted.

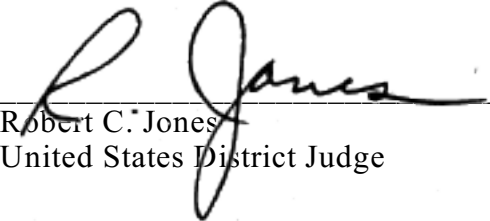
IT IS FURTHER ORDERED that ICS's Motion to Dismiss (#83) is **GRANTED**.

1 IT IS FURTHER ORDERED that GTL's Motion to Dismiss (#99) is **GRANTED**.

2 IT IS FURTHER ORDERED that Embarq's combined Motion to Dismiss and
3 Motion for Summary Judgment (#85) is **GRANTED** as to the Motion to Dismiss, and
4 that its Motion for Summary Judgment is **DENIED**.

5 IT IS FURTHER ORDERED that Plaintiff Witherow's Motion to Stay
6 Summary Judgment (#104) is **DENIED** as **MOOT**.

7 DATED: November 5, 2009

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10 Robert C. Jones
11 United States District Judge
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